

June 8, 1983

TABLE Lawrence Waddington

JUDGE

D. Fields

DEPUTY CLERK _____

TABLE

JUDGE PRO TEM

Deputy Sheriff

None

Reporter

(Parties and counsel checked if present)

C 420 153

Counsel for Plaintiff

Howard J. Stechel

Church of Scientology of California, etc.

Counsel for Defendant

vs

Gerald Armstrong

NATURE OF PROCEEDINGS.

COURT'S RULING ON SUBMITTED MATTER

Demurrer of cross-defendant Church of Scientology of California, to second amended cross-complaint of Gerald Armstrong

Motion of plaintiff and cross-defendant, for order severing complaint from cross-complaint for purpose of trial

Motion of non-parties Robert Lindsey and the New York Times, to quash subpoena

or

in the alternative, for protective order

These matters having been taken under submission on June 1, 1983, the Court now makes the following orders:

1) Due to clerical error, the minute order of June 1, 1983 from this department does not reflect that the motion of non parties Robert Lindsey and the New York Times was taken off calendar at request of the moving party. Said motion is placed off calendar *nunc pro tunc* as of that date.

2) Demurrer: Although the moving papers assert that religious institutions are immune from judicial scrutiny of their beliefs, the amended cross-complaint posits the Church of Scientology as an entirely secular and scientific institution. A demurrer assumes the truth of the allegations in the complaint. (continued on page 2)

IT IS STIPULATED that Commissioner may hear this matter as Judge Pro Tem.

TRANSFERRED TO/FROM DEPARTMENT

Court disqualifies itself

170.6 CCP affidavit filed

OFF CALENDAR

On court's own motion

No Appearance

At request of moving party

By stipulation

CONTINUED TO

IN DEPT.

AT

AM
PM

On court's own motion

Stip. to be filed

Or oral/written stipulation.

REQUEST OF

Moving party

Respondent(s)

TRO to remain in full force and effect

TRO dissolved

NOTICE:

Waived

By moving party

By respondent(s)

PETITIONER(S) IS/ARE SWORN AND TESTIFIES/TESTIFY

PETITION IS GRANTED (AS AMENDED)

DECREE IS SIGNED AND FILED.

(Page 1 of 3 pages)

MINUTES ENTERED

37 DEPT. 83

June 8, 1983
COUNTY CLERK

June 8, 1983

Lawrence Waddington

JUDGE

D. Fields

DEPUTY CLERK _____

JUDGE PRO TEM

Deputy Sheriff

None

Reporter

(Parties and counsel checked if present)

0 420 153

Counsel for Plaintiff

Church of Scientology of California, etc.
vs
Gerald Armstrong, et al

Counsel for Defendant

Attorney for intervenor
Barrett S. Litt

NATURE OF PROCEEDINGS.

COURT'S RULING ON SUBMITTED MATTER

Motion by intervenor Mary Sue Hubbard in the motion by plaintiff Church of Scientology of California, for order severing complaint from cross-complaint for purpose of trial

This matter having been taken under submission on June 1, 1983, the Court now makes the following order:

Demurrer: (continued from page 1)
Whether the principles of Scien-

tology are founded upon religious or secular convictions must await summary judgment or trial. The Court notes that the cross-complaint does not allege the fraudulent sale of a product (such as the E-noter referred to in the cited cases); rather the Church allegedly received the services of the cross-complainant as a consequence of of misrepresentation. The Court sees no need for the extensive summary of alleged misconduct by the plaintiff. The pleadings should be re-drafted to sever the history of the Church from the allegations of misconduct toward the cross-complainant. - On the court's own motion, pleadings are stricken as to the first cause of action - 20 days to amend. As to the second cause of action (intentional infliction of emotional distress) - **OVERRULED**; Facts alleged are sufficient. As to third cause of action (libel) - **OVERRULED**; Facts sufficient to establish non-privileged publication. Moreover, much of this information, if it exists, is in the possession of cross-defendants. (continued on page 3)

IT IS STIPULATED that Commissioner may hear this matter as Judge Pro Tem.

TRANSFERRED TO/FROM DEPARTMENT Court disqualifies itself 170.6 CCP affidavit filed

OFF CALENDAR On court's own motion No Appearance At request of moving party By stipulation

CONTINUED TO IN DEPT. AT AM
PM

On court's own motion Stip. to be filed On oral/written stipulation.
 REQUEST OF Moving party Respondent(s)
 TRO to remain in full force and effect TRO dissolved

NOTICE: Waived By moving party By respondent(s)

PETITIONER(S) IS/ARE SWORN AND TESTIFIES/TESTIFY

PETITION IS GRANTED (AS AMENDED) DECREE IS SIGNED AND FILED.

(Page 2 of 3 pages)

MINUTES ENTERED 6/8/83 COUNTY CLERK

June 8, 1983

HONORABLE	Lawrence Waddington	JUDGE	D. Fields	DEPUTY CLERK _____
HONORABLE		JUDGE PRO TEM		_____
		Deputy Sheriff	None	Reporter _____

(Parties and counsel checked if present)

C 420 153

Church of Scientology of California, etc.
 VS
 Gerald Armstrong , et al

Counsel for Plaintiff
 Counsel for Defendant

NATURE OF PROCEEDINGS. COURT'S RULING ON SUBMITTED MATTERS

Demurrer: (continued from page 2)

As to the fourth cause of action (oral contract) - SUSTAINED WITH LEAVE TO AMEND; Re-plead to overcome Statute of Limitations.
 As to fifth cause of action (interference with contractual relations). SUSTAINED WITH LEAVE TO AMEND; There is no allegation that the contract was actually breached by Hubbard nor that the alleged interference was the proximate cause of the breach.

20 days to amend.

3) Motion of plaintiff and of intervenor to sever complaint from cross-complaint: GRANTED. Although there is some over-lap with the issues, resolution of the conversion issue may expedite the remaining issues.

A copy of this minute order is mailed to counsel for the plaintiff and cross-defendant (Howard J. Stechel), who is directed to give notice of this ruling.

- IT IS STIPULATED that Commissioner may hear this matter as Judge Pro Tem.
- TRANSFERRED TO/FROM DEPARTMENT Court disqualifies itself 170.6 CCP affidavit filed
- OFF CALENDAR On court's own motion No Appearance At request of moving party By stipulation
- CONTINUED TO IN DEPT. AT AM PM
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 - REQUEST OF Moving party Respondent(s)
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(Page 3 of 3 pages)

37B DEPT. 83

MINUTES ENTERED
6/8/83
COUNTY CLERK